DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/16/2010 have been fully considered but they are not persuasive.

2. On pages 10 – 11, Applicant argues that the cited prior art, particularly Togawa, "does not teach or suggest the chunk assembly agent of claim 1", and that "sending the e-mail to the managing server does not teach or suggest a same e-mail address comprising an e-mail address of the chunk assembly agent".

Applicant's arguments are not persuasive, as in Togawa, the "managing server 33b", the destination/recipient's managing server, meets the limitations of and represents the claimed chunk assembly agent. The 'chunked' email, as [217] of Togawa notes, is sent from the sender to mail server 11b via managing server 33b. As [209] notes, the managing server works in tandem with the destination mail server, and thus an email addressed to a destination mail server can be broadly but reasonably interpreted as also representing an email addressed to a destination management server.

3. Applicant next argues on page 12 that the prior art does not teach or suggest "each chunk e-mail including a same mail header having a same destination e-mail address, the chunk number and the chunk count." Applicant's arguments are not persuasive as Togawa shows said header in Fig. 2C, and discusses said header, for example, in [35].

4. Applicant's continued arguments rely on the reasoning addressed above, and thus continue to be unpersuasive for the reasons given above.

Comments on Claim Language and Arguments

5. Applicant's arguments are unpersuasive. However, the claim language could be amended to claim over the cited prior art by more precisely claiming the relationship between the e-mail receiver's mailbox and address and the mailbox and address of the chunk assembly agent. Applicant's Specification on pages 4 – 5 shows and discusses where a chunk assembly agent has a corresponding address and mailbox, and that after the email is received at said address and mailbox, and then assembled by said agent, it is delivered to a second address and mailbox corresponding to the receiver. Applicant is encouraged to specify this relationship in claims 1, 4, 8 and 11 in order to claim over the cited prior art.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1, 3, 8, 10, 11, 12, 14 and 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

8. Claim 1 is directed to a "System" comprising a "Message Transfer Agent" and a "chunk assembly agent". Though claim 1 recites that messages are transmitted "over a data transmission network", said network is interpreted merely as part of the operating

environment of claim 1. The broadest reasonable interpretation of the claimed "Message Transfer Agent" and a "chunk assembly agent" includes non-statutory, software-only embodiments.

9. Regarding claims 3 and 12, said claims depend on claim 1 and fail to recite additional limitations that correspond to hardware or otherwise claim over the software-only embodiment discussed above.

10. Regarding claim 8, said claim is directed to a "security system" comprising a "Message Transfer Agent" and a "chunk assembly agent". Though claim 8 recites that messages are transmitted "over a network", said network is interpreted merely as part of the operating environment of claim 8. The broadest reasonable interpretation of the claimed "Message Transfer Agent" and a "chunk assembly agent" includes non-statutory, software-only embodiments.

11. Regarding claims 10 and 14, said claims depend on claim 8 and fail to recite additional limitations that correspond to hardware or otherwise claim over the software-only embodiment discussed above.

12. Regarding claim 11, said claim is directed to a "security system" comprising a "Message Transfer Agent" and a "chunk assembly agent". Though claim 11 recites that messages are transmitted "over a network", said network is interpreted merely as part of the operating environment of claim 11. The broadest reasonable interpretation of the claimed "Message Transfer Agent" and a "chunk assembly agent" includes non-statutory, software-only embodiments.

13. Regarding claim 15, said claims depends on claim 11 and fails to recite additional limitations that correspond to hardware or otherwise claim over the software-only embodiment discussed above.

Claim Objections

14. Claims 1, 4, 6, 8 and 11 are objected to because of the following informalities:

Regarding claim 1, said claim begins with the language "System for enhancing" rather than the grammatically correct alternative "**A system** for enhancing".

Regarding claim 4, said claim begins with the language "Method for enhancing" rather than the grammatically correct alternative "**A method** for enhancing".

Further regarding claim 4, said claim recites on line 6 the language "dividing the original email comprises of the original email at the character level" rather than the grammatically correct alternative "dividing the original email comprises **division** of the original email at the character level".

Further regarding claim 4, said claim recites on line 15 the language "using said predetermined algorithm". As line 5 of claim 4 merely recites "using an algorithm", claim 4 lacks antecedent basis for the language "said predetermined algorithm".

Regarding claim 6, said claim recites on lines 1 – 2 "wherein each chunk is encrypted" but then recites on line 3 "said encrypted chunk email". Claim 6 thus provides antecedent basis for encrypted chunks, but not for "said encrypted chunk email."

Regarding claim 8, said claim recites on line 3 "a network" but then recites on

line 9 "the data transmission network". Claim 8, including the language "a network" does not provide antecedent basis for the language "the data transmission network".

Regarding claim 11, said claim recites on line 4 "a network" but then recites on line 8 "the data transmission network". Claim 11, including the language "a network" does not provide antecedent basis for the language "the data transmission network".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

15. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

16. Claims 1, 3, 8, 10, 11, 12, 14 and 1rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, said claim is directed to:

"A security system comprising:

a Message Transfer Agent (MTA) ... for transmitting over a network an original email ...

a message splitting system for dividing the original email ...

a chunk assembly agent for receiving ... the plurality of chunks ...".

The claim limitations "agent ... for transmitting", "splitting system for dividing" and "agent for receiving" use non-structural terms coupled with functional language (similar to "means for" limitations). It is unclear if applicant wishes to the have the claim

limitations treated under 35 U.S.C. 112, sixth paragraph.

Regarding claim 8, said claim recites:

"A security system, comprising:

a Message Transfer Agent (MTA) ... for transmitting

a message splitting system for dividing....

a chunk assembly agent for receiving ...".

The claim limitations "agent ... for transmitting", "splitting system for dividing" and "agent for receiving" use non-structural terms coupled with functional language (similar to "means for" limitations). It is unclear if applicant wishes to the have the claim limitations treated under 35 U.S.C. 112, sixth paragraph.

Regarding claim 11, said claim recites:

"A security system, comprising:

a chunk assembly agent for: receiving ...".

The claim limitation "chunk assembly agent for receiving" uses non-structural terms coupled with functional language (similar to "means for" limitations). It is unclear if applicant wishes to the have the claim limitations treated under 35 U.S.C. 112, sixth paragraph.

If applicant wishes to have the claim limitation treated under 35 U.S.C. 112, sixth paragraph, applicant may state so and amend the claim to include the phrase "means for" or "step for". The phrase "means for" or "step for" must be modified by functional language, and the phrase or term must **not** be modified by sufficient structure, material, or acts for performing the claimed function. Furthermore, Applicant is reminded that if 35

U.S.C. 112, sixth paragraph, the structure referenced by the invoking claim language must clearly be expressly be recited by Applicant's Specification.

If applicant does **not** wish to have the claim limitation treated under 35 U.S.C. 112, sixth paragraph, applicant may amend the claim so that it will clearly not invoke 35 U.S.C. 112, sixth paragraph, or present a sufficient showing that the claim recites sufficient structure, material, or acts for performing the claimed function to preclude application of 35 U.S.C. 112, sixth paragraph.

17. Regarding claims 3 and 12, said claims recite further limitations regarding the system discussed above in claim 1, but fail to rectify the issues discussed above.

18. Regarding claims 10 and 14, said claims recite further limitations regarding the system discussed above in claim 8, but fail to rectify the issues discussed above.

19. Regarding claim 15, said claims recite further limitations regarding the system discussed above in claim 11, but fail to rectify the issues discussed above.

20. In order to perform a complete examination, said claims have been interpreted broadly.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

22. Claims 1, 4, 8 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Megiddo (US 6,745,231 B1) in view of Togawa (US 2002/0004821 A1), Ishiguri (US 2002/0004837 A1) and Funk (5,937,162).

23. Regarding claim 1, Megiddo shows a system for enhancing security of e-mails transmitted from a sender to a receiver over a data transmission network, comprising (Abstract, Fig. 3):

a Message Transfer Agent (MTA) associated with said sender for transmitting (Figs. 1, 2) over said network an original e-mail sent by said sender according to a predetermined list of a plurality of relay MTAs (Figs. 2, 3, 5, col. 2 line 66 – col. 3 line 2);

said MTA associated with said sender including a message splitting means adapted to divide said original e-mail into a plurality of chunks according to a predetermined algorithm (Figs. 4, 7, col. 4 lines 41 – 63) wherein each of said plurality of chunks is forwarded to a different one of the plurality of relay MTAs on the predetermined list such that each of said plurality of chunks is transmitted over a different pathway of the data transmission network (col. 5 lines 15 – 43), and wherein message splitting means divides the plurality of chunks of the original e-mail at the character level (Figs. 4, 5, 7, 8 and col. 4 lines 35 - 41); and

a chunk assembly agent for receiving from said relay MTAs the plurality of chunks and for re-assembling the plurality of chunks using said predetermined algorithm in order to re-build said e-mail (col. 3 lines 2 - 6, col. 4 lines 25 - 27), wherein each of said plurality of chunks is transmitted through a different relay MTA of the plurality of relay MTAs as a chunk e-mail having a same destination e-mail address (col. 5 lines 25

- 42).

Megiddo does not show where the chunk assembly is done before sending the message to the receiver and where the destination email address comprises an email address of the chunk assembly agent.

Togawa shows where the chunk assembly is done before sending the message to the receiver and where the destination email address comprises an email address of the chunk assembly agent ([113, 122, 206-209, 214, 217]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Megiddo with that Togawa in order to ensure the recipient can reassemble and utilize the message (Togawa, [35,41]).

Megiddo in view of Togawa do not explicitly show all of: wherein each of the plurality of chunks is preceded by a chunk number and a chunk count, re-assembling using said chunk number and the chunk count, each chunk e-mail including a same mail header, the chunk number and the chunk count.

Ishiguri shows wherein each of the plurality of chunks is preceded by a chunk number and a chunk count (Fig. 2C items 24 and 35), re-assembling using said chunk number and the chunk count ([25, 31-36]), each chunk e-mail including a same mail header, the chunk number and the chunk count (Fig. 2C items 24 and 35 and [29, 37-38, 49, 51]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Megiddo in view of Togawa with that of Ishiguri in order improve capabilities for transmitting large amounts of data (Ishiguri, [10-12]).

Megiddo in view of Togawa and Ishiguri do not explicitly show utilizing randomly selected pathways.

Funk shows utilizing randomly selected pathways (col. 12 lines 12 – 34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Megiddo in view of Togawa and Ishiguri with that of Funk in order to provide for better data distribution and thus improved performance (Funk, col. 12 lines 12 – 34).

24. Regarding claim 4, Megiddo shows a method for enhancing security of e-mails transmitted from a sender to a receiver over a data transmission network (Abstract, Fig. 3) wherein a a Message Transfer Agent (MTA) associated with said sender for in in change of transmitting an original email by said sender, comprising (Figs. 1, 2)

divide said original e-mail into a plurality of chunks using an algorithm (Figs. 4, 7, col. 4 lines 41 – 63) wherein dividng the original e-mail comprises of the original email at the character level (Figs. 4, 5, 7, 8 and col. 4 lines 35 - 41);

sending said chunks as emails over the data transmission network to a plurality of relay MTAs defined in a predetermined list of a of relay MTAs (Figs. 2, 3, 5, col. 2 line 66 – col. 3 line 2);

re-assembling by a chunk assembly agent said chunks in order to re-build said original email by using said predetermined algorithm (col. 3 lines 2 - 6, col. 4 lines 25 - 27);

wherein each of said plurality of chunks is transmitted through a different relay MTA of the plurality of relay MTAs as a chunk e-mail having a same destination e-mail

address (col. 5 lines 25 - 42).

Megiddo does not show where the chunk assembly is done before sending the message to the receiver and where the destination email address comprises an email address of the chunk assembly agent.

Togawa shows where the chunk assembly is done before sending the message to the receiver and where the destination email address comprises an email address of the chunk assembly agent ([113, 122, 206-209, 214, 217]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Megiddo with that Togawa in order to ensure the recipient can reassemble and utilize the message (Togawa, [35,41]).

Megiddo in view of Togawa do not explicitly show all of: wherein each of the plurality of chunks is preceded by a chunk number and a chunk count, re-assembling using said chunk number and the chunk count, each chunk e-mail including a same mail header, the chunk number and the chunk count.

Ishiguri shows wherein each of the plurality of chunks is preceded by a chunk number and a chunk count (Fig. 2C items 24 and 35), re-assembling using said chunk number and the chunk count ([25, 31-36]), each chunk e-mail including a same mail header, the chunk number and the chunk count (Fig. 2C items 24 and 35 and [29, 37-38, 49, 51]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Megiddo in view of Togawa with that of Ishiguri in order improve capabilities for transmitting large amounts of data (Ishiguri, [10-12]).

Megiddo in view of Togawa and Ishiguri do not explicitly show utilizing randomly selected pathways.

Funk shows utilizing randomly selected pathways (col. 12 lines 12 – 34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Megiddo in view of Togawa and Ishiguri with that of Funk in order to provide for better data distribution and thus improved performance (Funk, col. 12 lines 12 – 34).

25. Regarding claim 8, Megiddo shows a security system, comprising:

a Message Transfer Agent (MTA) associated with a sender for transmitting over a network an original e-mail sent by the sender (Abstract, Fig. 3), the MTA including a message splitting system for dividing the original e-mail into a plurality of chunks according to a predetermined algorithm (Figs. 4, 7, col. 4 lines 41 – 63) and for forwarding the plurality of chunks to a plurality of relay MTAs defined in a predetermined list of relay MTAs (Figs. 2, 3, 5 and col. 2 line 66 – col. 3 line 2), wherein each of said plurality of chunks is forwarded to a different one of the plurality of relay MTAs on the predetermined list such that each of said plurality of chunks is transmitted over a different pathway of the data transmission network (col. 5 lines 15 - 43), and wherein the splitting system divides the plurality of chunks of the original e-mail at the character level (col. 4 lines 35 – 41); and

a chunk assembly agent for receiving from the plurality of relay MTAs the plurality of chunks and for re-assembling the plurality of chunks using the predetermined algorithm in order to re-build the e-mail (col. 3 lines 2 – 6, col. 4 lines 25 - 27), wherein

each of said plurality of chunks is transmitted through a different relay MTA of the plurality of relay MTAs a chunk e-mail having a same destination e-mail address (col. 5 lines 24 – 42),

Megiddo does not show where the chunk assembly is done before sending the message to the receiver and where the destination email address comprises an email address of the chunk assembly agent.

Togawa shows where the chunk assembly is done before sending the message to the receiver and where the destination email address comprises an email address of the chunk assembly agent ([113, 122, 206-209, 214, 217]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Megiddo with that Togawa in order to ensure the recipient can reassemble and utilize the message (Togawa, [35,41]).

Megiddo in view of Togawa do not explicitly show all of: wherein each of the plurality of chunks is preceded by a chunk number and a chunk count, re-assembling using said chunk number and the chunk count, each chunk e-mail including a same mail header, the chunk number and the chunk count.

Ishiguri shows wherein each of the plurality of chunks is preceded by a chunk number and a chunk count (Fig. 2C items 24 and 35), re-assembling using said chunk number and the chunk count ([25, 31-36]), each chunk e-mail including a same mail header, the chunk number and the chunk count (Fig. 2C items 24 and 35 and [29, 37-38, 49, 51]).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the disclosure of Megiddo in view of Togawa with that of Ishiguri in order improve capabilities for transmitting large amounts of data (Ishiguri, [10-12]).

Megiddo in view of Togawa and Ishiguri do not explicitly show utilizing randomly selected pathways.

Funk shows utilizing randomly selected pathways (col. 12 lines 12 – 34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Megiddo in view of Togawa and Ishiguri with that of Funk in order to provide for better data distribution and thus improved performance (Funk, col. 12 lines 12 – 34).

26. Regarding claim 11, Megiddo shows a security system, comprising:

a chunk assembly agent for:

receiving from a plurality of relay Message Transfer Agents (MTAs) over a network a plurality of chunks of an original e-mail that has been divided into the plurality of chunks according to a predetermined algorithm (Fig. 8, Abstract), wherein each of the plurality of chunks is received from a different one of the plurality of relay MTAs such that each of said plurality of chunks is received over a different pathway of the data transmission network as a chunk e-mail (col. 5 lines 15 - 43), and wherein the plurality of chunks of the original e-mail are divided at the character level (col. 4 lines 35 – 41),

wherein each chunk e-mail of said plurality of chunks has a same destination e-mail address (col. 3 lines 1 – 2, col. 5 lines 25 – 42, Fig. 3),

re-assembling the plurality of chunks using the predetermined algorithm in order to re-build the e-mail (col. 3 lines 2- 6, col. 4 lines 25 - 27).

Megiddo does not show where the chunk assembly is done before sending the message to the receiver and where the destination email address comprises an email address of the chunk assembly agent.

Togawa shows where the chunk assembly is done before sending the message to the receiver and where the destination email address comprises an email address of the chunk assembly agent ([113, 122, 206-209, 214, 217]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Megiddo with that Togawa in order to ensure the recipient can reassemble and utilize the message (Togawa, [35,41]).

Megiddo in view of Togawa do not explicitly show all of: wherein each of the plurality of chunks is preceded by a chunk number and a chunk count, re-assembling using said chunk number and the chunk count, each chunk e-mail including a same mail header, the chunk number and the chunk count.

Ishiguri shows wherein each of the plurality of chunks is preceded by a chunk number and a chunk count (Fig. 2C items 24 and 35), re-assembling using said chunk number and the chunk count ([25, 31-36]), each chunk e-mail including a same mail header, the chunk number and the chunk count (Fig. 2C items 24 and 35 and [29, 37-38, 49, 51]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Megiddo in view of Togawa with that of Ishiguri in order improve capabilities for transmitting large amounts of data (Ishiguri, [10-12]).

Megiddo in view of Togawa and Ishiguri do not explicitly show utilizing randomly

selected pathways.

Funk shows utilizing randomly selected pathways (col. 12 lines 12 – 34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Megiddo in view of Togawa and Ishiguri with that of Funk in order to provide for better data distribution and thus improved performance (Funk, col. 12 lines 12 – 34).

27. Claims 3, 6, 7 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Megiddo in view of Togawa, Ishiguri and Funk as applied to claims 1, 4, and 8 above, and further in view of Grobman (US 2004/0190722 A1) and Muschenborn (US 2002/0191796 A1).

28. Regarding claim 3, Megiddo in view of Togawa, Ishiguri and Funk show claim 1, including performing encryption prior to network transmission (Megiddo, Abstract).

Megiddo in view of Togawa, Ishiguri and Funk do not show using a public key of the chunk assembly agent.

Grobman shows using a public key of the chunk assembly agent ([19, 20, 32] and Figs. 1A, 1B).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Megiddo in view of Togawa, Ishiguri and Funk with that of Grobman in order to provide for the strong security desired by Megiddo.

Megiddo in view of Togawa, Ishiguri, Funk and Grobman do not show wherein each of the plurality of chunks is encrypted.

Muschenborn shows wherein each of the plurality of chunks is encrypted (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Megiddo in view of Togawa, Ishiguri, Funk and Grobman with that of Muschenborn in order to further enhance security through additional encryption.

29. Regarding claim 6, Megiddo in view of Togawa, Ishiguri and Funk show claim 4, including encryption before transmission (Megiddo, Abstract) and where said encrypted email being decrypted when received by the chunk assembler (Megiddo, Abstract, Fig. 5).

Megiddo in view of Togawa, Ishiguri and Funk do not show using a public key of the chunk assembly agent and decrypting using a private key.

Grobman shows using a public key of the chunk assembly agent ([19, 20, 32] and Figs. 1A, 1B) and decrypting using a private key ([4,12,17]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Megiddo in view of Togawa, Ishiguri and Funk with that of Grobman in order to provide for the strong security desired by Megiddo.

Megiddo in view of Togawa, Ishiguri, Funk and Grobman do not show wherein each of the plurality of chunks is encrypted.

Muschenborn shows wherein each of the plurality of chunks is encrypted (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the disclosure of Megiddo in view of Togawa, Ishiguri, Funk and Grobman with that of Muschenborn in order to further enhance security through additional encryption.

30. Regarding claim 7, Megiddo in view of Togawa, Ishiguri, Funk, Grobman and Muschenborn further show wherein text of said original e-mail is encrypted by using the public key of said receiver (Grobman, [19, 20, 32]) before being divided into a plurality of chunks (Megiddo, col. 2 lines 66 – 67 and Abstract).

31. Regarding claim 10, Megiddo in view of Togawa, Ishiguri and Funk show claim 8.

Megiddo in view of Togawa, Ishiguri and Funk do not show using a public key of the chunk assembly agent.

Grobman shows using a public key of the chunk assembly agent ([19, 20, 32] and Figs. 1A, 1B).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Megiddo in view of Togawa, Ishiguri and Funk with that of Grobman in order to provide for the strong security desired by Megiddo.

Megiddo in view of Togawa, Ishiguri, Funk and Grobman do not show wherein each of the plurality of chunks is encrypted.

Muschenborn shows wherein each of the plurality of chunks is encrypted (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Megiddo in view of Togawa, Ishiguri, Funk and Grobman with that of Muschenborn in order to further enhance security through

additional encryption.

32. Claims 12 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Megiddo in view of Togawa, Ishiguri and Funk as applied to claims 1, 4, 8 and 11 above, and further in view of Devanagondi (US 7,317,730).

33. Regarding claim 12, Megiddo in view of Togawa, Ishiguri and Funk show claim 1.

Megiddo in view of Togawa, Ishiguri and Funk do not show wherein the predetermined algorithm is "chunk # = 1 + modulo x".

Devanagondi shows using the predetermined algorithm "chunk # = 1 + modulo x" (specifically showing a predetermined algorithm for dividing data to determine where it is sent, where "chunk #" is represented by the queue number of Devanagondi; see Abstract, Fig. 4, col. 5 line 60 – col. 6 line 40, col. 7 lines 26 - 48)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Megiddo in view of Togawa, Ishiguri and Funk with that of Devanagondi in order to decrease the reassembly complexity (Devanagondi, col. 7 lines 26 – 31).

34. Regarding claim 13, Megiddo in view of Togawa, Ishiguri and Funk show claim 4.

Megiddo in view of Togawa, Ishiguri and Funk do not show wherein the predetermined algorithm is "chunk # = 1 + modulo x".

Devanagondi shows using the predetermined algorithm "chunk # = 1 + modulo x" (specifically showing a predetermined algorithm for dividing data to determine where it is sent, where "chunk #" is represented by the queue number of Devanagondi; see

Abstract, Fig. 4, col. 5 line 60 – col. 6 line 40, col. 7 lines 26 - 48)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Megiddo in view of Togawa, Ishiguri and Funk with that of Devanagondi in order to decrease the reassembly complexity (Devanagondi, col. 7 lines 26 – 31).

35. Regarding claim 14, Megiddo in view of Togawa, Ishiguri and Funk show claim 8.

Megiddo in view of Togawa do not show wherein the predetermined algorithm is "chunk # = 1 + modulo x".

Devanagondi shows using the predetermined algorithm "chunk # = 1 + modulo x" (specifically showing a predetermined algorithm for dividing data to determine where it is sent, where "chunk #" is represented by the queue number of Devanagondi; see Abstract, Fig. 4, col. 5 line 60 – col. 6 line 40, col. 7 lines 26 - 48)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Megiddo in view of Togawa, Ishiguri and Funk with that of Devanagondi in order to decrease the reassembly complexity (Devanagondi, col. 7 lines 26 – 31).

36. Regarding claim 15, Megiddo in view of Togawa, Ishiguri and Funk show claim 11.

Megiddo in view of Togawa do not show wherein the predetermined algorithm is "chunk # = 1 + modulo x".

Devanagondi shows using the predetermined algorithm "chunk # = 1 + modulo x" (specifically showing a predetermined algorithm for dividing data to determine where it

is sent, where "chunk #" is represented by the queue number of Devanagondi; see Abstract, Fig. 4, col. 5 line 60 – col. 6 line 40, col. 7 lines 26 - 48)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Megiddo in view of Togawa, Ishiguri and Funk with that of Devanagondi in order to decrease the reassembly complexity (Devanagondi, col. 7 lines 26 – 31).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. MacIlwinen whose telephone number is (571) 272-9686. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess, can be reached on (571) 272 - 3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN MACILWINEN/
Examiner, Art Unit 2442

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